



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Economic Policy Scrutiny Committee

Annual Report
2018-2019

September 2019

Contents

Chair's Preface	5
Committee Members	6
Committee Secretariat	7
Terms of Reference	8
1 Introduction	10
Establishment and Functions of the Committee.....	10
Report Structure	10
2 Outstanding Inquiries	11
Northern Territory Civil and Administrative Tribunal Amendment Bill 2018	11
3 Bill Referrals	12
Introduction.....	12
Training and Skills Development Amendment Bill 2018	12
Agents and Land Legislation Amendment Bill 2018	13
Water Legislation Amendment Bill 2018	13
Tobacco Control Amendment Bill 2018.....	14
Superannuation Legislation Amendment Bill 2018	15
Licensed Surveyors Amendment Bill 2018	15
Justice Legislation Amendment Bill 2018.....	15
Petroleum Legislation Amendment Bill 2018	16
Liquor Amendment Bill 2018	17
Medical Services Amendment Bill 2018.....	19
Motor Accidents (Compensation) Amendment Bill 2019	19
Water Amendment Bill 2019.....	20
Water Legislation Miscellaneous Amendments Bill 2019	21
Care and Protection of Children Amendment Bill 2019	22
Integrity and Accountability Legislation Amendment Bill 2019.....	23
Liquor Bill 2019.....	24
Hemp Industry Bill 2019	25
Construction Contracts (Security of Payments) Legislation Amendment Bill 2019	26
Electoral Legislation Further Amendment Bill 2019	26
4 Petition Referrals	28
Introduction.....	28
Petition No. 25.....	28
Petition No. 26.....	28
Petition No. 29.....	29
Petition No. 30.....	29
Petition No. 31	30
5 Committee Statistics	31
Introduction.....	31
Committee Inquiries	32
Reports and Recommendations.....	33

Petitions.....	35
Appendix A: Standard Procedures for Bill Inquiries	37
Bibliography.....	38

Chair's Preface

This report outlines the work undertaken by the Committee during the 2018-2019 reporting period. Over the course of the year, the Assembly referred 19 Bills to the Committee for inquiry and report, a substantial increase over the six Bills referred to the Committee during the 2017-2018 reporting period. The Assembly also referred five petitions to the Committee for consideration as to whether these should be debated.

One inquiry from the 2017-18 reporting period was not due to be reported to the Assembly until August 2018 and a summary of the outcome of this inquiry is provided in Chapter 2. Of the 19 Bills referred during the current reporting period, the Committee completed 15 inquiries. As highlighted in Chapter 5, the Committee met its reporting due dates for all inquiries and in four instances tabled its report ahead of the due date. Pursuant to Standing Order 200(4), these reports were presented to the Speaker out of session.

The Committee recommended that the Assembly pass all of the Bills referred for inquiry and report but in five instances proposed amendments to ensure that the Bills had due regard to the rights and liberties of individuals and the institution of Parliament, were unambiguous and drafted in a sufficiently clear and precise manner. As outlined in Chapter 5, 92% of the Committee's proposed amendments and recommendations were subsequently accepted by the Government, demonstrating the value and importance of the Bill scrutiny process.

The level of public participation in the Committee's inquiries varied, however, it is notable that Bills related to the environment, health, and social wellbeing generated the highest levels of public participation. Feedback from those organisations and individuals who made submissions, attended public briefings or appeared before the Committee at a public hearing has been positive and further demonstrates the value of the Bill scrutiny process and its capacity to enhance public participation in the legislative process.

Pursuant to Sessional Order 17, the Committee recommended that the Assembly debate four of the five petitions referred to it for consideration. Of these, three were debated in the Assembly during the reporting period.

On behalf of the Committee, I wish to thank all those who made submissions or appeared before the Committee. Their input, knowledge and expertise has been of great assistance to the Committee in its deliberations and has contributed to better legislation for Territorians. The Committee also thanks the chief executives of government agencies and their staff for their responsiveness in clarifying matters for the Committee and appearing at public briefings and hearings. I would also like to thank my fellow Committee members for their bipartisan commitment to the legislative review process.

A handwritten signature in black ink that reads "Tony Sievers". The signature is written in a cursive style and is underlined with a single horizontal line.

Mr Tony Sievers, MLA
Chair

Committee Members

	Tony Sievers MLA Member for Brennan	
	Party:	Territory Labor
	Committee Membership	
	Standing:	House, Public Accounts
	Sessional:	Economic Policy Scrutiny
	Chair:	Economic Policy Scrutiny
	Lawrence Costa MLA Member for Arafura	
	Party:	Territory Labor
	Committee Membership	
	Standing:	Public Accounts
	Sessional:	Economic Policy Scrutiny
	Kate Worden MLA Member for Sanderson	
	Party:	Territory Labor
	Parliamentary Position	Government Whip
	Committee Membership	
	Standing:	Public Accounts, Standing Orders and Members' Interests
	Sessional:	Economic Policy Scrutiny Social Policy Scrutiny
	Lia Finocchiaro MLA Member for Spillett	
	Party:	Country Liberals
	Parliamentary Position:	Deputy Leader of the Opposition, Opposition Whip
	Committee Membership	
	Standing:	Privileges
	Sessional:	Economic Policy Scrutiny Social Policy Scrutiny
	Yingiya Mark Guyula MLA Member for Nhulunbuy	
	Party:	Independent
	Committee Membership	
	Sessional:	Economic Policy Scrutiny
<p>On 28 August 2018, Member for Nelson, Mr Gerry Wood MLA was discharged from the Committee and replaced by the Member for Nhulunbuy, Mr Yingiya Mark Guyula MLA.</p> <p>On 1 February 2019, Member for Fong Lim, Mr Jeff Collins MLA was discharged from the Committee and replaced by the Member for Sanderson, Mrs Kate Worden MLA.</p> <p>On 22 March 2019, Member for Daly, Mr Gary Higgins MLA was discharged from the Committee and replaced by Member for Spillett, Mrs Lia Finocchiaro MLA.</p>		

Committee Secretariat

First Clerk Assistant: Russell Keith

Committee Secretary: Jennifer Buckley

Senior Research Officer: Elise Dyer

Administration Assistant: Kim Cowcher

Contact Details: GPO Box 3721 DARWIN NT 0801

Tel: +61 08 8946 1485

Email: EPSC@nt.gov.au

Terms of Reference

Sessional Order 13

Establishment of Scrutiny Committees

- (1) Standing Order 178 is suspended.
- (2) The Assembly appoints the following scrutiny committees:
 - (a) The Social Policy Scrutiny Committee
 - (b) The Economic Policy Scrutiny Committee
- (3) The Membership of the scrutiny committees will be three Government Members and one Opposition Member nominated to the Speaker in writing by the respective Whip and one non-party aligned Member to be appointed by motion.
- (4) The functions of the scrutiny committees shall be to inquire and report on:
 - (a) any matter within its subject area referred to it:
 - (i) by the Assembly;
 - (ii) by a Minister; or
 - (iii) on its own motion.
 - (b) any bill referred to it by the Assembly;
 - (c) in relation to any bill referred by the Assembly:
 - (i) whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
 - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
 - (B) is consistent with principles of natural justice; and
 - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
 - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
 - (E) confers powers to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
 - (F) provides appropriate protection against self-incrimination; and
 - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and

- (H) does not confer immunity from proceeding or prosecution without adequate justification; and
 - (I) provides for the compulsory acquisition of property only with fair compensation; and
 - (J) has sufficient regard to Aboriginal tradition; and
 - (K) is unambiguous and drafted in a sufficiently clear and precise way.
- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether the bill:
- (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (C) authorises the amendment of an Act only by another Act.
- (5) The Committee will elect a Government Member as Chair.
- (6) Each Committee will provide an annual report on its activities to the Assembly.

Adopted 24 August 2017

1 Introduction

Establishment and Functions of the Committee

- 1.1 The Economic Policy Scrutiny Committee was established by the Assembly on 24 August 2017 under Sessional Order 13.
- 1.2 The functions of the Economic Policy Scrutiny Committee include to inquire into and report on any matter within its subject area referred to it by the Assembly, a Minister or on its own motion.
- 1.3 The Committee also has a duty to examine any Bill referred to it by the Assembly and determine whether the Assembly should pass the Bill or amend the Bill and whether the Bill has sufficient regard to the rights and liberties of individuals and the institution of Parliament.
- 1.4 In accordance with clause 6 of its terms of reference, the Committee is required to provide an annual report on its activities.
- 1.5 Pursuant to Sessional Order 17, adopted on 20 March 2018, the Committee is also required to consider petitions referred by the Assembly, determine whether the petition should be debated and advise the Clerk accordingly.¹

Report Structure

- 1.6 Chapter 2 provides a summary of the outcomes of any outstanding inquiries from the 2017-2018 reporting period.
- 1.7 Chapter 3 provides an overview of the Bills that were referred to and considered by the Committee during the 2018-2019 reporting period and the recommendations that were put forward as a result.
- 1.8 Chapter 4 provides a summary of the petitions that were referred to, and considered by, the Committee during the 2018-2019 reporting period.
- 1.9 Chapter 5 provides a breakdown of statistics regarding the number of Bills referred to the Committee, submissions received, inquiry timeframes, reports tabled and recommendations accepted by the Government. Information on the number of petitions referred to the Committee is also provided, including the number recommended for debate and subsequently debated by the Assembly.

¹ Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, p.14, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>.

2 Outstanding Inquiries

Northern Territory Civil and Administrative Tribunal Amendment Bill 2018

- 2.1 As noted in the Committee's previous Annual Report, the Northern Territory Civil and Administrative Tribunal Amendment Bill 2018 (Serial 54) was referred to the Committee for inquiry on the 10 May 2018 but not due for report until 14 August 2018.²
- 2.2 Based on its examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly should pass the Bill with the two amendments set out in recommendations 2 and 3 of the report.
- 2.3 One of the key issues raised during the course of the inquiry concerned proposed section 101A – default decisions. This amendment provided for the Northern Territory Civil and Administrative Tribunal (NTCAT) to make a decision against a party who does not respond to an action for the recovery of a debt or a fixed sum. Effectively, this section allowed NTCAT to make the decision on the basis of the papers alone. It would not require the applicant to provide evidence of the debt nor would it require either party to attend the hearing. This proposed section was not supported unless amendments were made to require the applicant to provide evidence of the debt and evidence that the documents had been served.
- 2.4 The Committee considered that it was appropriate for the applicant to be required to provide evidence of the debt before a default decision could proceed. Although it considered that the existing legislation covering service of documents was adequate it noted that in a default decision procedure it is particularly important that the Tribunal be satisfied that service had taken place. It therefore recommended that the Bill be amended to require an applicant to submit an affidavit of service before the NTCAT could make a default decision and also an affidavit setting out evidence in support of their claim. The Committee further recommended that the process for providing these affidavits be incorporated into the application to the Tribunal for a default judgement. Recommendation 3, that the applicant provide an affidavit setting out evidence in support of their claim, was accepted.
- 2.5 The Committee tabled its report *Inquiry into the Northern Territory Civil and Administrative Tribunal Amendment Bill 2018* in the Assembly on the 14 August 2018. The Committee's report, associated minutes of proceedings, submissions received and the NT Government's response are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/54-2018>.

² Economic Policy Scrutiny Committee, *Annual Report 2017-18*, p. 13, <https://parliament.nt.gov.au/committees/EPSC#AR>.

3 Bill Referrals

Introduction

3.1 Over the reporting period, the Assembly referred 19 Bills to the Economic Policy Scrutiny Committee for inquiry and report. In accordance with clause 13(4)(c) of its terms of reference, following examination of a Bill the Committee is required to determine:

- (i) whether the Assembly should pass the bill;
- (ii) whether the Assembly should amend the bill;
- (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
- (iv) whether the bill has sufficient regard to the institution of Parliament.

To facilitate the Bill inquiry process, on 18 October 2017 the Committee adopted a *Standard Procedure for Bill Inquiries* (see Appendix A).

3.2 Following is an overview of Bills referred during the reporting period and the outcome of the Committee's considerations.

Training and Skills Development Amendment Bill 2018

3.3 On 16 August 2018 the Assembly referred the Training and Skills Development Amendment Bill 2018 (Serial 59) to the Committee for inquiry and report by 27 November 2018.

3.4 The purpose of the Bill was to abolish the Northern Territory Training Commission (the Commission) from the *Training and Skills Development Act 2016* (the Act) and remove all references to the Commission from the Act.³

3.5 The Committee received 2 submissions to its inquiry. The Industry Skills Advisory Council NT supported the proposed amendments to the Bill while the National Tertiary Education Union considered the Commission should be reconstituted rather than abolished.

3.6 Following examination of the Bill and consideration of the evidence, the Committee recommended that the Legislative Assembly pass the Bill with no amendments.

3.7 The Committee tabled its report in the Assembly on 23 October 2018. The Committee's report, associated minutes of proceedings and the submissions received are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/59-2018>.

³ Explanatory Statement, *Training and Skills Development Amendment Bill 2018 (Serial No. 59)*, p.1
<https://parliament.nt.gov.au/committees/EPSC/59-2018>.

Agents and Land Legislation Amendment Bill 2018

- 3.8 On 15 August 2018 the Assembly referred the Agents and Land Legislation Amendment Bill 2018 (Serial 57) to the Committee for inquiry and report by 27 November 2018.
- 3.9 The Bill made amendments to a number of related Acts including the *Agents Licensing Act 1979*, *Unit Titles Act 1975*, *Unit Titles Schemes Act 2009*, *Interpretation Act 1978* and *Northern Territory Civil and Administrative Tribunal Act 2014*.
- 3.10 The Committee received two submissions to its inquiry. Following examination of the Bill and consideration of the evidence received, the Committee concluded that the Assembly should pass the Bill with no amendments.
- 3.11 Pursuant to Standing Order 200(4), the Committee presented its report to the Speaker on 13 November 2018 for subsequent tabling in the Assembly on 27 November 2018.
- 3.12 The Committee's report, associated minutes of proceedings, submissions received and the Attorney-General's response to the Committee's written questions are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/57-2018>.

Water Legislation Amendment Bill 2018

- 3.13 On 22 August 2018 the Assembly referred the Water Legislation Amendment Bill 2018 (Serial 60) to the Committee for inquiry and report by 27 November 2018.
- 3.14 A key purpose of the Bill was to repeal subsections 7(1) and 7(3) of the *Water Act* thereby removing the water licensing and permitting exemptions that had previously applied to mining and petroleum activities. These amendments were in response to the Government's acceptance of recommendations from the *Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory* (Fracking Inquiry Report), specifically, recommendation 7.1 of this report. Due to the timing of the report's release and the Government accepting the recommendations, the Bill was not intended to address the majority of the Fracking Inquiry Report recommendations, which were scheduled for future legislative reforms.
- 3.15 In addition to the repeal of subsections 7(1) and 7(3) of the *Water Act 1992*, the Bill updated offences and penalties to bring them into compliance with Part IIAA of the *Criminal Code Act 1983*. These amendments created a number of absolute and strict liability offences to which the Committee drew the attention of the Assembly. The Bill also made consequential amendments to the *Water Act 1992*, *Mineral Titles Act 2010*, *Mining Management Act 2001* and *Petroleum Act 1984* to 'ensure consistent, unambiguous regulation of water use by mining and petroleum projects'.⁴

⁴ Explanatory Statement, *Water Legislation Amendment Bill 2018 (Serial 60)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/60-2018>.

- 3.16 The Committee received 18 submissions to its inquiry, as well as 421 ‘proforma A’ submissions and 3 ‘proforma B’ submissions. A public briefing was held with the Department of Environment and Natural Resources on 3 October 2018.
- 3.17 Although the majority of submitters were strongly supportive of the removal of the exemptions that previously applied to mining and petroleum activities, many expressed concern that the Bill only addressed a fraction of the recommendations from the Final Fracking Report. However, as noted earlier, it was not the intention of the Bill to address all of these recommendations, the remainder of which have been scheduled for future reforms.
- 3.18 Following examination of the Bill, and consideration of the evidence received, the Committee recommended that the Legislative Assembly pass the Bill with no amendments.
- 3.19 The Committee tabled its report in the Assembly on 27 November 2018. The Committee’s report, associated minutes of proceedings, submissions and transcript are available on the Committee’s website at <https://parliament.nt.gov.au/committees/EPSC/60-2018>.

Tobacco Control Amendment Bill 2018

- 3.20 On 23 August 2018 the Assembly referred the Tobacco Control Legislation Amendment Bill 2018 (Serial 56) to the Committee for inquiry and report by 27 November 2018.
- 3.21 The Bill sought to amend the *Tobacco Control Act 2002* and the Tobacco Control Regulations 2002 by introducing measures to: regulate e-cigarettes and related products in the same way as conventional tobacco products; implement a 10 metre smoke-free buffer from the boundary and entry area of community events and community facilities; prohibit employees under the age of 18 from selling tobacco products in retail outlets; and prohibit cigarette vending machines from outlets that allow under 18 year olds on premises.⁵
- 3.22 The Committee received 15 submissions to its inquiry, the majority of which supported the Bill. However, four submissions were opposed to the proposal to regulate e-cigarettes and vaping in the same way as conventional tobacco products and smoking.
- 3.23 Following examination of the Bill and consideration of the evidence received, the Committee recommended that the Legislative Assembly pass the Bill with no amendments.
- 3.24 The Committee tabled its report in the Assembly on 27 November 2018. The Committee’s report, associated minutes of proceedings, submissions and the Health Minister’s response to written questions from the Committee are available on the Committee’s website at <https://parliament.nt.gov.au/committees/EPSC/56-2018>.

⁵ Explanatory Statement, *Tobacco Control Legislation Amendment Bill 2018 (Serial 56)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/56-2018>.

Superannuation Legislation Amendment Bill 2018

- 3.25 On 25 October 2018 the Assembly referred the Superannuation Legislation Amendment Bill 2018 (Serial 65) to the Committee for inquiry and report by 12 February 2019.
- 3.26 The Bill sought to make amendments to the *Legislative Assembly Members' Superannuation Fund Act 1979*, *Superannuation Act 1986*, *Superannuation Regulations 1986* and *Northern Territory Government and Public Authorities Superannuation Scheme Rules 1986*.
- 3.27 The Committee received one submission to its inquiry which was supportive of the Bill. Following examination of the Bill, the Committee had no matters to bring to the attention of the Assembly and, pursuant to Standing Order 200(4), presented its report to the Speaker on 6 December 2018 for subsequent tabling in the Assembly on 12 February 2019.
- 3.28 The Committee's report and associated minutes of proceedings are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/65-2018>.

Licensed Surveyors Amendment Bill 2018

- 3.29 On 25 October 2018 the Assembly referred the Licensed Surveyors Amendment Bill 2018 (Serial 66) to the Committee for inquiry and report by 12 February 2019.
- 3.30 The purpose of this Bill was to amend the reporting requirements of the Surveyors Board of the Northern Territory.⁶
- 3.31 As the Committee received no submissions to its inquiry and had no matters to bring to the attention of the Assembly, the Committee presented its report to the Speaker on 4 December 2018, for subsequent tabling in the Assembly on 12 February 2019.
- 3.32 The Committee's report and associated minutes of proceedings are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/66-2018>.

Justice Legislation Amendment Bill 2018

- 3.33 On 28 November 2018 the Assembly referred the Justice Legislation Amendment Bill 2018 (Serial 73) to the Committee for inquiry and report by 12 February 2019.
- 3.34 The purpose of the Bill was to increase the age of retirement to 72 years for Judges of the Local Court, Judges or Associate Judges of the Supreme Court and persons appointed to the office of the Director of Public Prosecutions and the Solicitor-General of the Northern Territory. The Bill sought to amend the *Director of Public Prosecutions Act 1990*, *Law Officers Act 1978*, *Local Court Act 2015* and *Supreme Court Act 1979*.⁷

⁶ Explanatory Statement, *Licensed Surveyors Amendment Bill 2018 (Serial 66)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/66-2018>.

⁷ Explanatory Statement, *Justice Legislation Amendment Bill 2018 (Serial 73)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/73-2018>.

- 3.35 The Committee received three submissions to its inquiry. Key concerns raised by submitters related to the effect of ageing and length of tenure on the competency and performance of judges, and on the ability to maintain a Bench with a diverse composition. Having considered the evidence, the Committee concluded that issues of competence can arise at any age and that raising the retirement age from 70 to 72 years was unlikely to result in an increase in performance issues in the judiciary. Similarly, the Committee considered that a diverse bench is more likely to occur as a result of having an appointment process that actively seeks this outcome than by increasing the turnover of judges through maintaining a lower retirement age.
- 3.36 The Committee noted that contemporary models of positive, active or successful ageing have challenged traditional constructions of ageing as decline and disengagement, with this resulting in a trend towards later retirement which is also reflected in policy. The Committee considered that the Bill would more closely align the retirement age for judicial appointments with the current trend in the general Australian workforce towards either increasing mandatory retirement ages or eliminating them completely.
- 3.37 Following examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly pass the Bill with no amendments.
- 3.38 The Committee tabled its report in the Assembly on 12 February 2019. The Committee's report, associated minutes of proceedings, submissions and the advice provided by the Attorney-General and Minister for Justice are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/73-2018>.

Petroleum Legislation Amendment Bill 2018

- 3.39 On 29 November 2018 the Assembly referred the Petroleum Legislation Amendment Bill 2018 (Serial 76) to the Committee for inquiry and report by 12 March 2019.
- 3.40 The Bill was part of a broader legislative reform program designed to implement the recommendations from the *Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory* (Fracking Inquiry Report) and its purpose was to make amendments to the *Petroleum Act 1984* and associated Regulations to give effect to a number of these recommendations.⁸ Key provisions introduced by the Bill included:
- Providing for open standing for the review of decisions and determinations through judicial review;
 - Consideration of whether a person or entity is deemed appropriate to hold a permit or licence under this Act;
 - Empowering the Petroleum (Environment) Regulations; and

⁸ Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, *Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory*, April 2018, <https://frackinginquiry.nt.gov.au/inquiry-reports/final-report>.

- Ensuring enforceability of codes of practice.⁹
- 3.41 The Committee received 13 submissions to its inquiry and held a public briefing with the Department of Primary Industry and Resources on 4 March 2019.
- 3.42 Following examination of the Bill and consideration of the evidence received, the Committee determined that the Assembly should pass the Bill with ten amendments as proposed in recommendations 2-11. In accordance with clause 4(c)(iii)(K) of the Committee's terms of reference, a number of the proposed amendments sought to ensure that the Bill was unambiguous and drafted in a sufficiently clear and precise way. In addition, the Committee proposed several amendments to provide for a better alignment with the Fracking Inquiry Report recommendations that the Bill was purporting to implement.
- 3.43 The Government responded to the Committee's report on 19 March 2019 and accepted 9 of the Committee's proposed amendments. Recommendation 8, that the Bill be amended to enable the proposed Schedule – Judicial Review of decision or determination (clauses 12 and 18) to be updated through the Petroleum (Environment) Regulations was not accepted. The Government response expressed the view that updating the Schedule through amendments to the Act would provide a more transparent process.
- 3.44 The Committee tabled its report in the Assembly on 12 March 2019. The Committee's report, associated minutes of proceedings, Government response, transcript of the public briefing, submissions received and the advice provided by the Minister for Primary Industry and Resources are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/76-2018>.

Liquor Amendment Bill 2018

- 3.45 On 28 November 2018 the Assembly referred the Liquor Amendment Bill 2018 (Serial 74) to the Committee for inquiry and report by 12 March 2019.
- 3.46 This Bill was part of a larger reform program initiated in response to recommendations from the *Alcohol Policies and Legislation Review Final Report* (the Riley Review).¹⁰
- 3.47 The purpose of this Bill was to:
- (a) amend section 33 of the *Liquor Act* to allow for the Liquor Commission, if it considers it appropriate, to hold public hearings as part of the process for variation of conditions of a licence;
 - (b) add the circumstances where a customer appears to have purchased liquor for consumption away from the premises, or has liquor in their possession within

⁹ Explanatory Statement, *Petroleum Legislation Amendment Bill 2018 (Serial 76)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/76-2018>.

¹⁰ Northern Territory Government, *Final Report of the Alcohol Policies and Legislation Review*, prepared by T. Riley QC, P. Angus PSM, D. Stedman, 2017, https://alcoholreform.nt.gov.au/_data/assets/pdf_file/0005/453497/Alcohol-Policies-andLegislation-Review-Final-Report.pdf.

the location boundaries already established by section 101ZK(1)(a), to the current two circumstances contained in section 101ZK(1)(b) (the customer appears to be purchasing or intending to purchase liquor for consumption away from the premises) in relation to point-of-sale interventions;

(c) provide a power for a police officer or inspector to stop a vehicle and give reasonable directions to the driver of the vehicle to assist them in the exercise of powers under section 101ZK; and

(d) provide for specific powers in the *Liquor Act* for police officers to engage in undercover operations where the police officer and the subject of the investigation are in the Northern Territory, including powers to seize, forfeit and dispose of things related to an offence.¹¹

- 3.48 The Committee received two submissions to its inquiry, both of which made comments on specific provisions within the Bill but also expressed broader concerns about the direction of alcohol reform policies.
- 3.49 Following examination of the Bill and consideration of the evidence, the Committee recommended that the Assembly pass the Bill with the proposed amendments set out in recommendations 2-4.
- 3.50 In accordance with clause 4(c)(iii)(K) of the Committee's terms of reference, recommendations 2 and 3 proposed amendments to the Bill to increase the clarity and consistency of proposed sections 101ZK(5) and 101ZIA with the Act.
- 3.51 Recommendation 4 proposed that subsections 97(5)(b) and 101AP(5) of the Act be amended to ensure consistency with proposed subsection 101ZID(6)(b)(ii). Under this proposed subsection the Commissioner has the power to release a thing to the applicant if the applicant 'knew about the commission of the offence *but was not in a position to reasonably prevent the commission of the offence*'. As such, it recognised cultural obligations that exist in many Aboriginal communities.
- 3.52 The Bill introduced a number of provisions for the seizure of property during undercover operations and the release and forfeiture of the seized property. The Committee noted that as seizure and civil forfeiture powers can be exercised without a warrant, and can infringe on a person's property rights, it is important that the impacts of seizure and forfeiture are carefully considered when making legislation and whether the results will be disproportionate to the offence committed. The Committee therefore made a fifth recommendation that as part of the review and rewrite of the *Liquor Act 1978*, the Government review these powers to assess their impact, reasonableness and proportionality to the offence to which they relate.
- 3.53 The Committee tabled its report in the Assembly on 12 March 2019. In responding to the Committee's report, the Attorney-General and Minister for Justice noted that the Government accepted all the amendments proposed by the Committee.¹²

¹¹ Explanatory Statement, *Liquor Amendment Bill 2018 (Serial 74)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/74-2018>.

¹² Government Response, *Liquor Amendment Bill 2018 (Serial 74)*, 14 March 2019, p.1, <https://parliament.nt.gov.au/committees/EPSC/74-2018>.

- 3.54 The Committee's report, associated minutes of proceedings, subsequent response from the Government, copies of submissions and the advice provided by the Attorney-General and Minister for Justice are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/74-2018>.

Medical Services Amendment Bill 2018

- 3.55 On 28 November 2018 the Assembly referred the Medical Services Amendment Bill 2018 (Serial 75) to the Committee for inquiry and report by 12 March 2019.
- 3.56 The Bill sought to amend the *Medical Services Act 1982* to provide the Minister with sufficient power to determine fees and charges consistent with the Commonwealth *Health Insurance Act 1973* and the National Health Reform Agreement 2012.
- 3.57 The Committee received two submissions to its inquiry both of which suggested minor amendments.
- 3.58 Following examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly should pass the Bill with no amendments. The Committee tabled its report in the Assembly on 12 March 2019.
- 3.59 The Committee's report, associated minutes of proceedings, copies of submissions and the advice provided by the Minister for Health are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/75-2018>.

Motor Accidents (Compensation) Amendment Bill 2019

- 3.60 On 13 February 2019 the Assembly referred the Motor Accidents (Compensation) Amendment Bill 2019 (Serial 78) to the Committee for inquiry and report by 7 May 2019.
- 3.61 The Bill sought to amend the *Motor Accidents (Compensation) Act 1979* to ensure that any person who is working and injured in a motor vehicle accident (regardless of their age) is eligible to receive loss of earnings capacity (LOEC) benefits, subject to a two-year time limit for those who have reached or exceeded pension age.
- 3.62 The Committee received two submissions to its inquiry one of which unreservedly supported the Bill and one which suggested several amendments.
- 3.63 The main issue raised in this Bill concerned the use of the Commonwealth pension age to determine the two year limit on LOEC benefits rather than the age at which an individual plans to retire. The Committee noted that while the trend towards longer working lives and a less uniform retirement age provides a rationale for using planned retirement age instead of the Commonwealth pension age, it is important to balance the availability of LOEC benefits to senior Territorians with the long term sustainability of the scheme and the maintenance of affordable premiums for Territory motorists. In addition, the Bill is consistent with industry practice and other existing schemes and provides more generous LOEC benefits than are available in some other Australian jurisdictions.

- 3.64 Following examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly should pass the Bill with no amendments. The Committee tabled its report in the Assembly on 7 May 2019.
- 3.65 The Committee's report, associated minutes of proceedings, copies of submissions and the advice provided by the Treasurer are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/78-2019>.

Water Amendment Bill 2019

- 3.66 On 13 February 2019 the Assembly referred the Water Amendment Bill 2019 (Serial 80) to the Committee for inquiry and report by 7 May 2019.
- 3.67 The reforms introduced by the Water Amendment Bill 2019 were part of a broader environmental regulatory reform process being implemented through a series of legislative reforms to a number of Acts. These reforms aimed to minimise and mitigate the risks associated with hydraulic fracturing by implementing the 135 recommendations of the *Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory* (the Fracking Inquiry Report).¹³
- 3.68 The purpose of this Bill was to amend the *Water Act 1992* to give effect to the following specific recommendations of the Scientific Inquiry:
- *Recommendation 7.6 – prohibition on surface water take for petroleum activities*
 - *Recommendation 7.8(a) – prohibition on water extraction for hydraulic fracturing within 1km of landowners bore without agreement or hydrogeological information*
 - *Recommendation 7.9 – prohibition on reinjection of hydraulic fracturing wastewater into aquifers*
 - *Recommendation 7.17 – prohibition on release of hydraulic fracturing wastewater to surface waters.*¹⁴
- 3.69 Of particular importance in the Bill is the removal of any discretion in the decision making powers of the Controller of Water Resources in relation to both water extraction and wastewater management associated with hydraulic fracturing activities, with this assuring a degree of certainty regarding the continued implementation of the recommendations from the Fracking Inquiry Report.
- 3.70 During the inquiry a number of submitters expressed concerns that the offence provisions designed to give effect to recommendations 7.9 and 7.17 of the Fracking Inquiry Report would be too low to provide an adequate deterrent. The Committee acknowledged these concerns but considered the proposed penalties to be sufficient for the exploration phase, noting that no production approvals would be granted until the Government had completed a full-scale review to revise and increase environmental offences and penalties in line with recommendations of the Fracking

¹³ Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, *Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory*, Northern Territory Government, <https://frackinginquiry.nt.gov.au/inquiry-reports/final-report>.

¹⁴ Explanatory Statement, *Water Amendment Bill 2019 (Serial 80)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/80-2019>.

Inquiry Report. A number of other pertinent issues were raised during the inquiry, with key concerns relating to provisions on the use of produced water or flowback fluid in the hydraulic fracturing process and the criteria for assessing the granting of licences to take ground water for hydraulic fracturing. These issues were considered by the Committee and contributed to the Committee's recommendations.

- 3.71 Following examination of the Bill, and consideration of the evidence received, the Committee recommended that the Assembly pass the Bill with the amendments proposed in recommendations 2, 3, and 4. In responding to the Committee's report, the Minister for Environment and Natural Resources noted that the Government accepted all of the amendments proposed by the Committee.¹⁵
- 3.72 The Committee's report, associated minutes of proceedings, Government response, copies of submissions and the advice provided by the Minister for Environment and Natural Resources are available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/80-2019>.

Water Legislation Miscellaneous Amendments Bill 2019

- 3.73 On 13 February 2019 the Assembly referred the Water Legislation Miscellaneous Amendments Bill 2019 (Serial 81) to the Committee for inquiry and report by 20 June 2019.
- 3.74 The Bill sought to address technical irregularities and administrative inefficiencies that have been identified in the administration of the *Water Act 1992* and Water Regulations 1992.
- 3.75 The Committee received five submissions to its inquiry. The key issues raised in submissions related to amendments to the provisions governing the notification of water extraction licence decisions; membership of the Drillers' Qualification Advisory Committee; and renewal applications for water extraction licences.
- 3.76 Following examination of the Bill and consideration of the evidence received, the Committee recommended that the Assembly pass the Bill with the amendments proposed in recommendations 2, 3, and 4, and tabled its report in the Assembly on 20 June 2019.
- 3.77 The Committee noted that while it is important to facilitate administrative efficiencies, amendments to achieve this outcome should have minimal impact on transparency and the ability of the public to participate in the decision-making process. Consequently, in relation to water extraction licensing decisions, the Committee recommended that notices about these decisions be placed on an appropriate government website as a means of offsetting the removal of the requirement for these notices to be placed in a Territory wide newspaper (recommendation 2).
- 3.78 In regard to amendments to sections 71B(6) and (7) of the *Water Act 1992*, the Committee considered that the requirement to use 'reasonable' efforts to identify and notify any occupiers of a water extraction licensing decision being made for adjacent

¹⁵ Government Response, *Inquiry into the Water Amendment Bill 2019*, <https://parliament.nt.gov.au/committees/EPSC/80-2019#Rep>.

land is a satisfactory test under the circumstances. The Committee noted that there are significant barriers to identifying occupiers and that the majority of licence applications originate from rural areas where there is no mail service. The Committee considered that dissemination of notices to occupiers could be improved by requesting owners of adjacent land to inform relevant tenants of any notifications they receive with regard to licence applications, and made a recommendation to this effect (recommendation 3).

- 3.79 The Committee also recommended that the intent of proposed Regulation 13, which set out criteria for membership of the Drillers' Qualifications Advisory Committee, be clarified as it was unclear as to whether the technical criteria specified in Regulation 13(2) also applied to the community members specified in Regulation 13(3) (recommendation 4).
- 3.80 The Committee tabled its report in the Assembly on 20 June 2019. The Committee's report, associated minutes of proceedings, Government response, and submissions are available at: <https://parliament.nt.gov.au/committees/EPSC/81-2019>.

Care and Protection of Children Amendment Bill 2019

- 3.81 On 20 March 2019 the Assembly referred the Care and Protection of Children Amendment Bill 2019 (Serial 82) to the Committee for inquiry and report by 20 June 2019.
- 3.82 The Bill amended the *Care and Protection of Children Act 2007*. As noted in the Explanatory Statement, the purpose of the Bill:
- is to give effect to the intent and direction of 12 Royal Commission Recommendations and further technical amendments across the following themes:
- Mandating early assessment, intervention and support;
 - Updating the principles underlying the operation of the Act;
 - Strengthening care planning;
 - Improving court orders;
 - Enhancing legal processes; and
 - Formalising the transition to independence.¹⁶
- 3.83 The Committee received 10 submissions to its inquiry. On the 21 May 2019 the Committee held a public hearing in Darwin with 11 witnesses appearing before it.
- 3.84 Following examination of the Bill, and consideration of the evidence received, the Committee recommended that the Assembly pass the Bill with the amendments proposed in recommendations 2, 3, and 4.
- 3.85 A key focus of the Bill was to ensure that children in care remain connected to their family and culture, with a number of the amendments designed to facilitate this more effectively than has been achieved in the past. Although proposed sections 8, 10, 12

¹⁶ Explanatory Statement, *Care and Protection of Children Amendment Bill 2019 (Serial No. 82)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/82-2019>.

and 70 strengthened or incorporated the Aboriginal Child Placement Principle, concerns were raised by the Central Australian Aboriginal Family Legal Unit that there were no provisions in the Bill to ensure compliance with this principle.

- 3.86 After reviewing the evidence, the Committee concluded that there are a number of mechanisms designed to ensure compliance, such as the implementation of policy, training and practice reforms and a requirement that courts not make an order unless they have been provided with a care plan, with proposed amendments to care plans supporting compliance with the Aboriginal Child Placement Principle. Although satisfied that such mechanisms have been developed, the Committee noted that a number of these reforms had only recently been introduced or were not yet in effect, consequently it recommended that a review of the effectiveness of these measures should be undertaken one year after the Bill has come into effect (recommendation 2).
- 3.87 The Committee also noted concerns regarding proposed sections 104A and 124 which provided for the carer, as well as the parent of a child, to be given a copy of the application for a protection order. These concerns centred on the highly sensitive and confidential information that may be contained in an application and the adverse impacts that might result from a release of information that is normally only provided to persons who are parties to proceedings. Territory Families advised that the intent of these sections was not to release sensitive information to carers but to ensure they are aware of the proceedings and able to contribute information about the child's status and future needs. The Committee subsequently recommended that the Bill be amended to ensure that confidential and sensitive information, such as that contained in an application for a protection order, is not given to any inappropriate persons (recommendation 4).
- 3.88 The Committee tabled its report in the Assembly on 20 June 2019. The Committee's report, associated minutes of proceedings, hearing transcripts, submissions and the Government's response are available at: <https://parliament.nt.gov.au/committees/EPSC/82-2019>.

Integrity and Accountability Legislation Amendment Bill 2019

- 3.89 On 20 March 2019 the Assembly referred the Integrity and Accountability Legislation Amendment Bill 2019 (Serial 86) to the Committee for inquiry and report by 20 June 2019.
- 3.90 The purpose of the Bill was to create clarity and legislative consistency around the appointment of relevant statutory officers under the Northern Territory Integrity Framework by introducing amendments that align the legislation with the more detailed and contemporary *Independent Commissioner Against Corruption Act 2017*. Relevant Acts amended by the Bill included the *Audit Act 1995*, *Electoral Act 2004*, *Independent Commissioner Against Corruption Act 2017* and *Ombudsman Act 2009*. One aspect of the Bill was to introduce uniform terms of appointment for all statutory

positions addressed in the Bill, with all positions to have a tenure of five years with eligibility for reappointment for one further period of five years.¹⁷

- 3.91 The Committee received one submission to its inquiry which commented on the reduction of the tenure period for the Electoral Commissioner. The submission highlighted the potential disruption that could arise if an election were to be held close to the expiration of an Electoral Commissioner's term of appointment.
- 3.92 Following examination of the Bill, the Committee considered the mechanisms in place for managing this eventuality to be adequate and, since they had no other matters to bring before the Assembly, recommended that the Bill be passed with no amendments.
- 3.93 The Committee tabled its report in the Assembly on 20 June 2019. The Committee's report, associated minutes of proceedings, and submission are available at: <https://parliament.nt.gov.au/committees/EPSC/86-2019>.

Liquor Bill 2019

- 3.94 On 15 May 2019 the Assembly referred the Liquor Bill 2019 (Serial 95) to the Committee for inquiry and report by 6 August 2019.
- 3.95 The primary purpose of this Bill was to minimise the harm associated with the consumption of liquor while at the same time recognising that the sale, supply, and consumption of liquor is a legitimate social and economic activity. The Bill provided a comprehensive framework aimed at contributing to the responsible development of the liquor industry while also protecting community amenity, social harmony and community wellbeing. It repealed the *Liquor Act 1978* with a view to replacing it with a new *Liquor Act 2019*.¹⁸
- 3.96 The Committee received 18 submissions to its inquiry. Submissions provided a cross-section of views, with these reflecting the challenges inherent in achieving harm minimisation objectives without placing an unwarranted burden on liquor businesses. On the 20 May 2019 the Committee held a public briefing with representatives from the Department of the Attorney-General and Justice and the Department of the Chief Minister.
- 3.97 As this inquiry was not finalised within the reporting period, a summary of the outcome will be included in the Committee's 2019-2020 Annual Report.
- 3.98 Documentation associated with this inquiry, including the submissions received and a transcript of the public briefing, is available on the Committee's website at: <https://parliament.nt.gov.au/committees/EPSC/95-2019>.

¹⁷ Explanatory Statement, *Integrity and Accountability Legislation Amendment Bill 2019 (Serial 86)*, pp. 1-2, <https://parliament.nt.gov.au/committees/EPSC/86-2019>.

¹⁸ Explanatory Statement, *Liquor Bill 2019 (Serial 95)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/95-2019>.

Hemp Industry Bill 2019

3.99 On 16 May 2019 the Assembly referred the Hemp Industry Bill 2019 (Serial 91) to the Committee for inquiry and report by 6 August 2019.

3.100 In presenting the Bill, the Minister for Primary Industry and Resources stated that the purpose of the Bill was to:

Put in place a regulatory framework allowing for the development and operation of an industrial hemp industry here in the Northern Territory.¹⁹

3.101 As noted in the Explanatory Statement key elements of the Bill included the:

- Establishment of a licencing regime for the possession, cultivation, processing or supply of industrial hemp for both the commercial production of industrial hemp products and scientific research, instruction, analysis or study.
- Provision exemptions, where applicable, to the *Misuse of Drugs Act*.
- Clarification of responsibilities and accountabilities for sharing of administrative powers between the Chief Executive Officer of the responsible regulatory agency and the Commissioner of Police.
- Provision for authorised inspectors under the Act.
- Provision for offences and penalties for contravening specified provisions of the Act.²⁰

3.102 When presenting the Bill to the Assembly, the Minister noted that industrial hemp differs markedly from both narcotic cannabis and medicinal cannabis as it contains very low levels of delta-9-tetrahydrocannabinol (commonly known as THC), typically less than 1% of its dry weight, and has no psycho-active effects on individuals. By contrast, narcotic cannabis can contain in excess of 15% of its dry weight while THC in medicinal cannabis can have low or high THC.²¹

3.103 The Committee received one submission to its inquiry and held a public briefing with the Department of Primary Industry and Resources on the 20 May 2019.

3.104 As this inquiry was not finalised within the reporting period, a summary of the outcome will be included in the Committee's 2019-2020 Annual Report.

3.105 Documentation associated with this inquiry, including a copy of the submission received and a transcript of the public briefing, is available on the Committee's website at: <https://parliament.nt.gov.au/committees/EPSC/91-2019>

¹⁹ Hon Paul Kirby, Minister for Primary Industry and Resources, *Draft Daily Hansard Day 6 –16 May 2019*, p. 2, <http://hdl.handle.net/10070/307368>.

²⁰ Explanatory Statement, *Hemp Industry Bill 2019 (Serial 91)*, p.1, <https://parliament.nt.gov.au/committees/EPSC/91-2019>.

²¹ Hon Paul Kirby, Minister for Primary Industry and Resources, *Draft Daily Hansard Day 6 –16 May 2019*, pp. 2-3, <http://hdl.handle.net/10070/307368>.

Construction Contracts (Security of Payments) Legislation Amendment Bill 2019

- 3.106 On 15 May 2019 the Assembly referred the Construction Contracts (Security of Payments) Legislation Amendment Bill 2019 (Serial 92) to the Committee for inquiry and report by 6 August 2019.
- 3.107 The Bill sought to amend the *Construction Contracts (Security and Payments) Act 2004*, *Community Justice Centre Act 2005* and Construction Contracts (Security of Payments) Regulations 2005.
- 3.108 The primary purpose of the Bill was to provide clarification on payment disputes, the adjudication process and determinations made by adjudicators. The Bill also introduced new provisions that allow parties to construction contracts valued at \$505 million or over to opt out of the statutory dispute resolution process, provided that certain criteria are met.²²
- 3.109 The Committee received three submissions to its inquiry which were largely in support of the Bill, however some amendments were suggested.
- 3.110 As this inquiry was not finalised within the reporting period, a summary of the outcome will be included in the Committee's 2019-2020 Annual Report.
- 3.111 Documentation associated with this inquiry, including copies of submissions received and a transcript of the public briefing, is available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/92-2019>.

Electoral Legislation Further Amendment Bill 2019

- 3.112 On 20 June 2019 the Assembly referred the Electoral Legislation Further Amendment Bill 2019 (Serial 96) to the Committee for inquiry and report by 17 September 2019.
- 3.113 The reforms introduced by this Bill were part of the larger integrity framework being developed by the Government to ensure open, accountable and transparent government. Electoral reforms were introduced progressively with this Bill representing the third phase of these reforms.
- 3.114 This Bill sought to amend the *Electoral Act 2004* to establish a new scheme for political donations and electoral expenditure in the Northern Territory. In addition, it included provisions to implement non-financial electoral reforms to streamline and contemporise the voting and electoral process. The primary aim of these amendments was to provide increased transparency and accountability in relation to electoral activity in the Northern Territory. The Bill introduced a wide range of amendments with some of the key reforms including:
- A cap on electoral expenditure for registered parties, candidates and associated entities;

²² Explanatory Statement, *Construction Contracts (Security of Payments) Legislation Amendment Bill 2019* (Serial 92), p. 9, <https://parliament.nt.gov.au/committees/EPSC/92-2019>.

- Requirement for parties and candidates to maintain a dedicated campaign account for electoral purposes;
- Strengthened disclosure requirements and new requirements for reporting donations;
- More frequent reporting in election years and a shorter timeframe for the provision of annual reports;
- Provisional voting for those not enrolled by date of close of rolls.²³

3.115 As this inquiry was not finalised within the reporting period, a summary of the outcome will be included in the Committee's 2019-2020 Annual Report.

3.116 Documentation associated with this inquiry is available on the Committee's website at <https://parliament.nt.gov.au/committees/EPSC/96-2019>.

²³ Explanatory Statement, *Electoral Legislation Further Amendment Bill 2019 (Serial 96)*, p. 1, <https://parliament.nt.gov.au/committees/EPSC/96-2019>.

4 Petition Referrals

Introduction

- 4.1 Pursuant to Sessional Order 17, after a petition has been read in the Assembly, any Member may move that the petition be referred to a scrutiny committee for consideration as to whether the petition should be debated.²⁴ During the reporting period, five petitions were referred to the Committee.
- 4.2 Petitions referred during the reporting period, and the outcome of the Committee's considerations, are outlined below.

Petition No. 25

- 4.3 On 23 October 2018 the Assembly referred Petition No. 25 to the Committee for consideration as to whether it should be debated.
- 4.4 The petition was submitted by one person who raised concerns over the treatment of two elderly pensioners by Northern Territory Environmental Protection Agency (EPA) and Department of Environment and Natural Resources. The petitioner requested that: the Assembly investigate the approach adopted by the NT EPA when issuing Pollution Abatement Notice 2018/01; the Assembly intercede on behalf of the pensioners to stop ongoing threats and intimidation; and that the Assembly negotiate an agreement between the NT Government and the pensioners to avoid the implementation of Pollution Abatement Notice 2018/01 which will result in loss of family home, prosecution and jail.
- 4.5 Following consideration at its meeting of 1 November 2018, the Committee agreed to recommend that the Assembly not debate the petition and notified the Clerk accordingly.
- 4.6 Pursuant to Standing Order 123, on 12 February 2019 the Speaker advised the Assembly that a response to the petition had been received from the Minister for Environment and Natural Resources. A copy of the response can be found at: https://parliament.nt.gov.au/_data/assets/pdf_file/0006/587769/Petition-25-treatment-of-elderly-pensioners.pdf.

Petition No. 26

- 4.7 On 30 October 2018 the Assembly referred Petition No. 26 to the Committee for consideration as to whether it should be debated.
- 4.8 The petition was signed by 493 petitioners and called on the Northern Territory Government to introduce legislation that would support the right to vape with or without nicotine. The petition aimed to show that vaping is a successful quitting alternative to smoking and requested that the right to vape with and without nicotine be supported by government legislation. The petitioners declared that they had all

²⁴ Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, p.14, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>.

made a successful transition from smoking tobacco to vaping and now considered themselves to be non-smokers.

- 4.9 The Committee considered the petition at its meeting of 5 February 2019 and subsequently advised the Clerk that it was of the view the petition should be debated.
- 4.10 Pursuant to Standing Order 123, on 12 February 2019 the Speaker advised the Assembly that a response to the petition had been received from the Minister for Health. A copy of the response can be found at: https://parliament.nt.gov.au/data/assets/pdf_file/0008/589877/Petition-26-Support-Vapers-Rights.pdf.

Petition No. 29

- 4.11 On 30 October 2018 the Assembly referred Petition No. 29 to the Committee for consideration as to whether it should be debated.
- 4.12 This petition from 914 petitioners, including 790 e-petitioners, called for a review of section 13 of the *Motor Accident (Compensation) Act 1979*. The petition stated that working Territorians over the pension age are not entitled to compensation for loss of earning capacity under section 13, subsection 5(a) of the Motor Accident (Compensation) Act NT despite paying motor vehicle registration fees that include a compulsory contribution to the Motor Accident Compensation scheme. The petitioners considered this to be age-based discrimination and possibly unlawful.
- 4.13 The Committee considered the petition at its meeting of 5 February 2019 and subsequently advised the Clerk that it was of the view the petition should be debated.
- 4.14 Pursuant to Standing Order 123, on 12 February 2019 the Speaker advised the Assembly that a response to the petition had been received from the Minister for Environment and Natural Resources. A copy of the response can be found at: https://parliament.nt.gov.au/data/assets/pdf_file/0005/589883/Petition-29-Section-13-of-the-Motor-Accident-Compensation-Act-NT.pdf

Petition No. 30

- 4.15 On 1 November 2018 the Assembly referred Petition No. 30 to the Committee for consideration as to whether it should be debated.
- 4.16 The petition was signed by 433 petitioners and called on the Northern Territory Government to immediately commence discussions with all stakeholders, including the Litchfield Council, Swimming Australia, Royal Life Saving Australia, swimming clubs and other relevant stakeholders, as to the commitment and development of a rural based water and swimming complex.
- 4.17 The Committee considered the petition at its meeting of 5 February 2019 and subsequently advised the Clerk that it was of the view the petition should be debated. The petition was debated in the Assembly on 14 February 2019.
- 4.18 Pursuant to Standing Order 123, on 12 February 2019 the Speaker advised the Assembly that a response to the petition had been received from the Minister for Infrastructure, Planning and Logistics. A copy of the response can be found at:

https://parliament.nt.gov.au/_data/assets/pdf_file/0009/590805/Petition-30-Rural-based-water-and-swimming-complex.pdf

Petition No. 31

- 4.19 On 29 November 2018 the Assembly referred Petition No. 31 to the Committee for consideration as to whether it should be debated.
- 4.20 This petition registered the opposition of 925 petitioners to proposed new laws to reduce the amount of alcohol that small businesses can sell and noted that these new restrictions will increase the pressure on small NT businesses and result in local communities having less access to food and everyday essentials. It called for support to protect small businesses from what they perceive to be unfair trading rules.
- 4.21 The Committee considered the petition at its meeting of 5 February 2019 and subsequently advised the Clerk that it was of the view the petition should be debated. The petition was debated in the Assembly on 14 February 2019.
- 4.22 Pursuant to Standing Order 123, on 12 February 2019 the Speaker advised the Assembly that a response to the petition had been received from the Attorney-General and Minister for Justice. A copy of the response can be found at: https://parliament.nt.gov.au/_data/assets/pdf_file/0015/614220/Petition-31-Don-t-let-the-NT-Government-call-last-drinks-on-family-businesses.pdf

5 Committee Statistics

Introduction

- 5.1 In accordance with Sessional Order 12.5(1), following the first reading of a bill, other than an annual appropriation bill, the Member in charge of the Bill is to immediately move either:
- (a) a motion referring the Bill to a particular scrutiny committee for report by a particular date; or
 - (b) “that the Bill be declared urgent”.
 - (c) “that the seconding reading of the Bill be made an order of the day for the first Assembly meeting after 30 days have elapsed.”
- 5.2 As noted in Table 1 below, of the 40 Bills introduced during the reporting period 35 were referred to scrutiny committees, three were dealt with on urgency and two were made an order of the day for the first Assembly meeting after 30 days have elapsed following introduction.

Table 1: Bill Referrals

Serial # *	Title	Scrutiny Committee	Urgent	30 days
56	Tobacco Control Amendment Bill 2018	Economic		
57	Agents and land Legislation Amendment Bill 2018	Economic		
58	Interpretation Legislation Amendment Bill 2018	Social		
59	Training and Skills Development Amendment Bill 2018	Economic		
60	Water Legislation Amendment Bill 2018	Economic		
61	Electoral Amendment Bill 2018	Social		
62	Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018	Social		
63	Northern Territory Environment Protection Authority Amendment Bill 2018	Social		
64	Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Bill 2018	Social		
65	Superannuation Legislation Amendment Bill	Economic		
66	Licensed Surveyors Amendment Bill 2018	Economic		
67	Local Court Amendment (Judicial Appointments) Bill 2018		√	
69	Criminal Code Amendment Bill 2018	Social		
70	Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018	Social		
71	Health Services Act 2018	Social		
72	Electoral Legislation Amendment Bill 2018	Social		
73	Justice Legislation Amendment Bill 2018	Economic		
74	Liquor Amendment Bill 2018	Economic		
75	Medical Services Amendment Bill 2018	Economic		

Serial # *	Title	Scrutiny Committee	Urgent	30 days
76	Petroleum Legislation Amendment Bill 2018	Economic		
77	Public Information Legislation Amendment Bill 2018	Social		
78	Motor Accidents (Compensation) Amendment Bill 2019	Economic		
79	Teacher Registration (Northern Territory) Legislation Amendment Bill 2019	Social		
80	Water Amendment Bill 2019	Economic		
81	Water Legislation Miscellaneous Amendments Bill 2019	Economic		
82	Care and Protection of Children Amendment Bill 2019	Economic		
83	National Disability Insurance Scheme (Authorisations) Bill 2019	Social		
84	Youth Justice Amendment Bill 2019		√	
85	Youth Justice and Related Legislation Amendment Bill 2019	Social		
86	Integrity and Accountability Legislation Amendment Bill 2019	Economic		
87	Criminal Code Further Amendment Bill 2019		√	
88	Appropriation (2019-2020) Bill	Estimates		
89	Revenue Legislation Amendment Bill 2019			√
90	Property Activation Bill 2019			√
91	Hemp Industry Bill 2019	Economic		
92	Construction Contracts (Security of Payments) Legislation Amendment Bill 2019	Economic		
93	Education and Care Services (National Uniform Legislation) Amendment Bill 2019	Social		
94	Environment Protection Bill 2019	Social		
95	Liquor Bill 2019	Economic		
96	Electoral Legislation Further Amendment Bill 2019	Economic		

*Note: Serial 68 was a private Member's Bill that was not read a first time

Committee Inquiries

5.3 As highlighted in Table 1 above, 19 Bills were referred to the Economic Policy Scrutiny Committee. During the reporting period, the Committee held a total of 26 meetings which included:

- 7 public briefings with government agencies; and
- 1 public hearing with a total of 11 witnesses appearing before the Committee.

5.4 Table 2 details the number of submissions received for each inquiry.

Table 2: Submissions Received

Serial #	Title	No. of Submissions Received
56	Tobacco Control Amendment Bill 2018	15
57	Agents and land Legislation Amendment Bill 2018	2
59	Training and Skills Development Amendment Bill 2018	2

Serial #	Title	No. of Submissions Received
60	Water Legislation Amendment Bill 2018	18 + 424 pro forma
65	Superannuation Legislation Amendment Bill	1
66	Licensed Surveyors Amendment Bill 2018	0
73	Justice Legislation Amendment Bill 2018	3
74	Liquor Amendment Bill 2018	2
75	Medical Services Amendment Bill 2018	2
76	Petroleum Legislation Amendment Bill 2018	13
78	Motor Accidents (Compensation) Amendment Bill 2019	2
80	Water Amendment Bill 2019	33 + 257 pro forma
81	Water Legislation Miscellaneous Amendments Bill 2019	5
82	Care and Protection of Children Amendment Bill 2019	10
86	Integrity and Accountability Legislation Amendment Bill 2019	1
91	Hemp Industry Bill 2019	1
92	Construction Contracts (Security of Payments) Legislation Amendment Bill 2019	3
95	Liquor Bill 2019	18
96	Electoral Legislation Further Amendment Bill 2019	N/A

Reports and Recommendations

5.5 Pursuant to Sessional Order 12.5(2), Bill inquiries and associated reporting timeframes are subject to the following provision:

The date by which the committee must report must not be earlier than the first meeting day of the second set of meetings following the first reading (i.e. the second resumption of meetings after a period of at least two weeks when the Assembly has not met).²⁵

5.6 As summarised in Table 3 below, the Committee met its reporting due dates for all inquiries and in four instances tabled its reports ahead of the due date. Pursuant to Standing Order 200(4), these four reports were presented to the Speaker out of session.

Table 3: Inquiry Timeframes

Serial #	Title	Date Referred	Report Due	Report Tabled
56	Tobacco Control Amendment Bill 2018	23/08/18	27/11/18	27/11/18
57	Agents and land Legislation Amendment Bill 2018	15/08/18	27/11/18	9/11/18
59	Training and Skills Development Amendment Bill 2018	16/08/18	27/11/18	23/10/18

²⁵ Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>

Serial #	Title	Date Referred	Report Due	Report Tabled
60	Water Legislation Amendment Bill 2018	22/08/18	27/11/18	27/11/18
65	Superannuation Legislation Amendment Bill	25/10/18	12/02/19	06/12/18
66	Licensed Surveyors Amendment Bill 2018	25/10/18	12/02/19	04/12/18
73	Justice Legislation Amendment Bill 2018	28/11/18	12/02/19	12/02/19
74	Liquor Amendment Bill 2018	28/11/18	12/03/19	12/03/19
75	Medical Services Amendment Bill 2018	28/11/18	12/03/19	12/03/19
76	Petroleum Legislation Amendment Bill 2018	29/11/18	12/03/19	12/03/19
78	Motor Accidents (Compensation) Amendment Bill 2019	13/02/19	07/05/19	07/05/19
80	Water Amendment Bill 2019	13/02/19	07/05/19	07/05/19
81	Water Legislation Miscellaneous Amendments Bill 2019	13/02/19	20/06/19	20/06/19
82	Care and Protection of Children Amendment Bill 2019	20/03/19	20/06/19	20/06/19
86	Integrity and Accountability Legislation Amendment Bill 2019	20/03/19	20/06/19	20/06/19
91	Hemp Industry Bill 2019	15/05/19	6/08/19	N/A*
92	Construction Contracts (Security of Payments) Legislation Amendment Bill 2019	15/05/19	6/08/19	N/A*
95	Liquor Bill 2019	15/05/19	6/08/19	N/A*
96	Electoral Legislation Further Amendment Bill	20/06/19	17/09/19	N/A*

* Reports not tabled within the reporting period.

5.1 The Committee recommended that the Assembly pass all of the Bills that were referred to it, only proposing amendments in five cases. At the time of writing, the Government had responded to all of the reports tabled. As summarised in Table 4, of the 37 proposed amendments and recommendations put forward by the Committee and considered by the Government, 92% were accepted.

Table 4: Proposed Amendments and Recommendations

Serial #	Title	No. of Recommendations	No. of Recommendations Accepted
56	Tobacco Control Amendment Bill 2018	1	1
57	Agents and land Legislation Amendment Bill 2018	1	1
59	Training and Skills Development Amendment Bill 2018	1	1
60	Water Legislation Amendment Bill 2018	1	1
65	Superannuation Legislation Amendment Bill	1	1
66	Licensed Surveyors Amendment Bill 2018	1	1
73	Justice Legislation Amendment Bill 2018	1	1
74	Liquor Amendment Bill 2018	4	4
75	Medical Services Amendment Bill 2018	1	1
76	Petroleum Legislation Amendment Bill 2018	11	10
78	Motor Accidents (Compensation) Amendment Bill 2019	1	1
80	Water Amendment Bill 2019	4	4

Serial #	Title	No. of Recommendations	No. of Recommendations Accepted
81	Water Legislation Miscellaneous Amendments Bill 2019	4	3
82	Care and Protection of Children Amendment Bill 2019	4	3
86	Integrity and Accountability Legislation Amendment Bill 2019	1	1
91	Hemp Industry Bill 2019	Inquiry not completed in reporting period	
92	Construction Contracts (Security of Payments) Legislation Amendment Bill 2019	Inquiry not completed in reporting period	
95	Liquor Bill 2019	Inquiry not completed in reporting period	
96	Electoral Legislation Further Amendment Bill 2019	Inquiry not completed in reporting period	

5.2 Pursuant to Standing Order 201, where a report from a committee recommends that action be taken by the Government, the Clerk is to refer the report to the relevant Minister(s). The Minister(s) is then required to report to the Assembly what action, if any, the Government proposes to take in relation to each recommendation of the Committee within six months of the report being tabled. In accordance with clause 201(4), if a Government response to a committee report has not been tabled within the six month timeframe, the relevant Minister must:

- (a) present to the Assembly at the next available opportunity a signed statement stating the reasons for the delay in presentation of the response, and
- (b) make themselves available to appear at the next reasonably available opportunity following a request by the relevant committee to answer its questions on that statement.²⁶

5.3 Of the 15 reports tabled by the Committee during the reporting period, one included a recommendation for action to be taken by the Government as opposed to recommendations relating to legislative amendments. This recommendation was responded to by the Government within the required timeframe.

Petitions

5.4 During the reporting period, the Assembly referred five petitions to the Committee for consideration as to whether they should be debated. As summarised in Table 5 below, the Committee considered all the petitions referred to it and recommended that four should be debated in the Assembly.

Table 5: Petition Referrals

No.	Title	Date Referred	Recommended Petition be Debated	Petition Debated	Date Response Presented
25	Treatment of elderly pensioners by NT Environmental Protection	23/10/18	No	N/A	12/02/19

²⁶ Legislative Assembly of the Northern Territory, *Standing Orders – In Force as of 21 April 2016*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>

No.	Title	Date Referred	Recommended Petition be Debated	Petition Debated	Date Response Presented
	Agency and Department of Environment and Natural Resources				
26	Support Vapers' Rights	30/10/18	Yes	Not debated	12/02/19
29	Section 13 of the Motor Accident (Compensation) Act NT	30/10/18	Yes	14/02/19	12/02/19
30	Rural based water and swimming complex	01/11/18	Yes	14/02/19	12/02/19
31	Don't let the NT Government call last drinks on family businesses	29/11/18	Yes	14/02/19	12/02/19

Appendix A: Standard Procedures for Bill Inquiries

1. The Committee will call for submissions on the Bill to be due by the Wednesday that falls two weeks before the next sittings of the Assembly or another date that has been approved by the Committee;
2. Following the end of a sittings period, the Chair of the Committee will issue a notice listing the bills on which the Committee is calling for submissions and the date by which submissions are due;
3. The Chair will invite Committee Members to provide him with the details of persons and organisations they would like to invite to provide a submission to the Bill;
4. Notices calling for submissions will be distributed on the Assembly's website, by email to subscribers of the committee email alert service, by Facebook and Twitter posts, by media release, and by email or letter to persons and organisations determined by the Chair following consultation with Committee Members;
5. The Chair will write to the Minister who introduced the Bill to request a Departmental briefing on the Bill from the responsible Department for Committee Members;
6. After the due date for submissions, the Chair will determine whether and when to hold public hearings and who shall be invited to appear at the hearings, following consultation with Committee Members;
7. Unless circumstances require otherwise, the public hearings will be held on Wednesday mornings of sittings weeks;
8. If any Member wishes to amend this standard procedure for a particular bill, they shall advise the Chair who will then convene a meeting to consider that Bill's inquiry process at the earliest convenient opportunity.

Bibliography

Economic Policy Scrutiny Committee, *Annual Report 2017-18*,
<https://parliament.nt.gov.au/committees/EPSC#AR>.

Government Response, *Inquiry into Care and Protection of Children Amendment Bill 2019 (Serial 82)*, <https://parliament.nt.gov.au/committees/EPSC/82-2019>.

Government Response, *Liquor Amendment Bill 2018 (Serial 74)*,
<https://parliament.nt.gov.au/committees/EPSC/74-2018>.

Government Response, *Water Legislation Miscellaneous Amendments Bill 2019 (Serial 81)*, <https://parliament.nt.gov.au/committees/EPSC/81-2019>.

Government Response, *Inquiry into the Water Amendment Bill 2019 (Serial 80)*,
<https://parliament.nt.gov.au/committees/EPSC/80-2019#Rep>.

Explanatory Statement, *Training and Skills Development Amendment Bill 2018 (Serial No. 59)*, <https://parliament.nt.gov.au/committees/EPSC/59-2018>.

Explanatory Statement, *Water Legislation Amendment Bill 2018 (Serial 60)*,
<https://parliament.nt.gov.au/committees/EPSC/60-2018>.

Explanatory Statement, *Tobacco Control Legislation Amendment Bill 2018 (Serial 56)*,
<https://parliament.nt.gov.au/committees/EPSC/56-2018>.

Explanatory Statement, *Licensed Surveyors Amendment Bill 2018 (Serial 66)*,
<https://parliament.nt.gov.au/committees/EPSC/66-2018>.

Explanatory Statement, *Justice Legislation Amendment Bill 2018 (Serial 73)*,
<https://parliament.nt.gov.au/committees/EPSC/73-2018>.

Explanatory Statement, *Petroleum Legislation Amendment Bill 2018 (Serial 76)*,
<https://parliament.nt.gov.au/committees/EPSC/76-2018>.

Explanatory Statement, *Liquor Amendment Bill 2018 (Serial 74)*,
<https://parliament.nt.gov.au/committees/EPSC/74-2018>.

Explanatory Statement, *Water Amendment Bill 2019 (Serial 80)*,
<https://parliament.nt.gov.au/committees/EPSC/80-2019>.

Explanatory Statement, *Care and Protection of Children Amendment Bill 2019 (Serial No. 82)*, <https://parliament.nt.gov.au/committees/EPSC/82-2019>.

Explanatory Statement, *Integrity and Accountability Legislation Amendment Bill 2019 (Serial 86)*, <https://parliament.nt.gov.au/committees/EPSC/86-2019>.

Explanatory Statement, *Liquor Bill 2019 (Serial 95)*,
<https://parliament.nt.gov.au/committees/EPSC/95-2019>.

Explanatory Statement, *Hemp Industry Bill 2019 (Serial 91)*,
<https://parliament.nt.gov.au/committees/EPSC/91-2019>.

Explanatory Statement, *Construction Contracts (Security of Payments) Legislation Amendment Bill 2019 (Serial 92)*, <https://parliament.nt.gov.au/committees/EPSC/92-2019>.

Explanatory Statement, *Electoral Legislation Further Amendment Bill 2019 (Serial 96)*, <https://parliament.nt.gov.au/committees/EPSC/96-2019>.

Hon Paul Kirby, Minister for Primary Industry and Resources, *Draft Daily Hansard Day 6 – 16 May 2019*, <http://hdl.handle.net/10070/307368>.

Legislative Assembly of the Northern Territory, *Standing Orders – In Force as of 21 April 2016*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>.

Legislative Assembly of the Northern Territory, *Thirteenth Assembly – Sessional Orders – As adopted 20 March 2018*, <https://parliament.nt.gov.au/business/standing-and-sessional-orders>.

Northern Territory Government, *Final Report of the Alcohol Policies and Legislation Review*, prepared by T. Riley QC, P. Angus PSM, D. Stedman, 2017, https://alcoholreform.nt.gov.au/_data/assets/pdf_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf.

Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, *Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory*, Northern Territory Government, April 2018, <https://frackinginquiry.nt.gov.au/inquiry-reports/final-report>.